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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**FILED/ACCEPTED**  
**MAR - 3 2008**  
Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 )  
Request to Streamline Licensing of L-band )  
User Terminals Using Inmarsat Satellites as ) IB Docket No. \_\_\_\_\_  
Points of Communication )  
 )

**PETITION FOR DECLARATORY RULING**

Inmarsat submits this petition for declaratory ruling pursuant to Section 1.2 of the Commission’s rules to propose that the International Bureau (the “Bureau”) make a ministerial change in the way that it specifies authorized points of communication in L-band<sup>1</sup> user terminal licenses. Doing so would facilitate the grant of authority to communicate with multiple Inmarsat spacecraft, would be fully consistent with existing Commission rules and policies, and would be similar to the mechanisms that the Commission already has implemented to streamline the earth station licensing process in other contexts. Significantly, the proposed ministerial change would not alter in any respect the manner in which the Commission authorizes the use of Inmarsat spacecraft to serve the United States.

Inmarsat proposes that L-band user terminal licensees be permitted to seek authority to communicate with all Inmarsat spacecraft that have been approved for U.S. service in the L-band, by designating “ISAT” as the desired point of communication. The term “ISAT” would refer to all Inmarsat spacecraft that are contained on a list to be maintained by the

<sup>1</sup> The L-band, as described in this petition, refers to Inmarsat’s coordinated spectrum in the United States. The L-band encompasses frequencies from 1525-1544/1545-1559 MHz and 1626.5-1645.5/1646.5-1660.5 MHz. The frequencies 1525-1544 MHz and 1626.5-1645.5 MHz are referred to as the “lower L-band” and 1545-1559 MHz and 1646.5-1660.5 MHz are referred to as the “upper L-band.”

Commission, and would automatically provide authority to communicate with future Inmarsat L-band spacecraft once those spacecraft have been approved for U.S. service. Use of the proposed ISAT designation therefore would streamline earth station licensing procedures for authorizing service over Inmarsat spacecraft. As detailed below, this ministerial change would obviate the need to file dozens of repetitive earth station applications, conserve Commission resources, and speed the provision of service to the public.

L-band user terminals authorized to communicate with Inmarsat spacecraft today are licensed on a spacecraft-by-spacecraft and orbital-location-by-orbital-location basis. Each time that Inmarsat launches or relocates a satellite to serve the United States, a licensee of earth terminals must seek authority for the new point of communication. Under current practice, even after the Commission grants a petition for declaratory ruling that a new or relocated Inmarsat satellite may serve the United States, Inmarsat users still must separately seek new or modified earth terminal authority. Thus, even where the Commission has approved the provision of U.S. service at specified technical parameters and has licensed earth terminals to operate in a manner consistent with those parameters, an earth terminal licensee must still seek a license modification to add the new or relocated spacecraft as a point of communication. Such license modifications must be sought by each earth terminal licensee, potentially resulting in numerous, repetitive applications.

Today, approximately a dozen entities are seeking authority for L-band user terminals to communicate with the Inmarsat 4F2 spacecraft at 53° W.L. (“I4F2”) and/or the Inmarsat 3F4 spacecraft at 142° W.L. (“I3F4”). Even after those licenses are issued, they will need to be modified once Inmarsat relocates two other spacecraft that will serve all or part of the United States (from 54° W.L. and 143.5° E.L.), and will need to be further modified to allow

communication with a third Inmarsat spacecraft that is due to be launched this spring (into 98° W.L.). Thus, under the current licensing approach, dozens of additional earth station applications will be needed to allow communications with these new and relocated spacecraft, even after the currently pending applications are granted. Inmarsat's proposed streamlining approach would obviate the need for such additional, duplicative filings.

Inmarsat proposes that the Bureau implement a streamlined licensing mechanism that would be available upon request to any licensee seeking authority for L-band user terminals to communicate with Inmarsat spacecraft.

First, the Bureau would create a list of Inmarsat spacecraft that are approved to serve the United States in the L-band (the "ISAT List"), that could include all spacecraft approved to date. That list could be maintained on the Bureau's web site, in the same way the Permitted Space Station List is currently maintained.<sup>2</sup> The term "ISAT" would refer to all of the approved spacecraft on that list. Consistent with existing practices for authorizing non-U.S.-licensed spacecraft to serve the United States, those spacecraft would be approved based on either a petition for declaratory ruling or an earth station application that satisfied all of the Commission's applicable legal, technical and policy requirements.<sup>3</sup>

Second, the Bureau could use the term "ISAT" to specify the authorized points of communication for any L-band user terminal licensee that desires authority to communicate with

<sup>2</sup> See *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, First Order on Reconsideration, 15 FCC Rcd 7207 ¶ 16 (1999) ("*DISCO II Reconsideration Order*").

<sup>3</sup> See *DISCO II Reconsideration Order* ¶ 10 (allowing non-U.S. satellite operators to file petitions for declaratory ruling seeking authority for market access); *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, Report and Order, 12

all approved Inmarsat spacecraft. A license applicant could request “ISAT” authority in its initial license application, or through a subsequent license modification.

Third, each time that the Bureau approves a request for U.S. market access over new or relocated Inmarsat spacecraft, the Bureau could add those newly-approved spacecraft to the ISAT List. By doing so, all earth station licensees with “ISAT” authority automatically would become authorized to communicate with those newly-approved spacecraft. Thus, by acting on a petition for declaratory ruling that a new or relocated Inmarsat spacecraft may serve the United States, and by placing that spacecraft on the ISAT List, the Commission would obviate the need for dozens of earth station license modifications seeking authority to communicate with the newly-approved spacecraft.

Designating “ISAT” as the point of communication in L-band user terminal licenses that authorize service with Inmarsat satellites would provide significant public interest benefits. Specifically, creating a mechanism to allow communication with all approved Inmarsat spacecraft, instead of requiring each earth station licensee to seek individual license modifications, would minimize regulatory delay, conserve Commission resources, and thereby speed the provision of service to the public.

This proposal is consistent with Commission policy: “The Commission has designed its satellite licensing policies to be flexible enough to allow satellite operators to respond to changing technological, market, and regulatory conditions. If a proposal will not cause interference to other licensed operations, the Commission generally authorizes it if it is

FCC Rcd 24094 ¶ 186 (1997) (establishing earth station applications as a mechanism for reviewing access by non-U.S.-licensed spacecraft).

otherwise in the public interest.”<sup>4</sup> Adopting a mechanism to streamline the process for authorizing points of communication in L-band earth terminal licenses for use with approved Inmarsat spacecraft would not adversely affect the interference environment. As with any market access application, each request for U.S. market access for an ISAT-designated satellite would need to demonstrate that the satellite’s operations are consistent with Commission requirements. Moreover, each earth station licensee communicating with a satellite in Inmarsat’s fleet still will be required to demonstrate that its licensed terminal types comply with the Commission’s rules. Thus, all of the requisite technical information and other showings will be provided for Commission approval regardless of the way in which the authorized points of communication are reflected in an earth station license.

Additionally, the proposed licensing mechanism is consistent with those that the Commission has utilized in other contexts for authorizing earth stations to operate with a group of satellites, without the need to seek separate and costly earth station modifications. For instance, the Commission uses the “LEOP” designation to authorize Intelsat to operate one of its earth station facilities to support the launch of U.S.-licensed C-band spacecraft, and non-U.S.-licensed C-band spacecraft that are on the Permitted Space Station List.<sup>5</sup> Similarly, the Commission utilizes the “ALSAT” designation to authorize “conventional” C- and Ku-band

<sup>4</sup> *Intelsat North America, LLC, Application for Authority to Modify Earth Station Authorization to Provide Launch and Early Orbit Phase (“LEOP”) Operations for Newly Launched Satellites*, File Nos.: SES-MOD-20050615-00751, SES-AMD-20051116-01587, Call Sign E040125, Order and Authorization, DA 06-2557 ¶ 6 (rel. Dec. 21, 2006) (“LEOP Order”) (citing *Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, Memorandum Opinion and Order, 3 FCC Rcd 6972 (1988); *Amendment of the Commission’s Rules to Establish Rules and Policies Pertaining to a Non-Voice, Non-Geostationary Mobile-Satellite Service*, Report and Order, 8 FCC Rcd 8450 (1993)).

<sup>5</sup> *LEOP Order* ¶ 14.

earth stations that satisfy “routine processing” requirements to communicate with U.S.-licensed spacecraft, and non-U.S.-licensed spacecraft that are on the Permitted Space Station List.<sup>6</sup>

As noted above, approximately a dozen earth station applications are currently pending that seek authority to operate L-band user terminals with the I4F2 at 53° W.L. and I3F4 at 142° W.L. Those applications have completed the public notice and comment period, and are ripe for grant. Inmarsat urges the Bureau to expeditiously process those applications without regard to this petition. Authorizations for the grant of those applications can be modified at a later time to specify ISAT as the point of communication, under the proposed procedure.<sup>7</sup>

For the foregoing reasons, Inmarsat respectfully requests that the Commission create a list of all Inmarsat spacecraft that are approved to provide L-band service to the United States, and allow licensees of user terminals to specify “ISAT” as the designated point of communication, thereby providing authority to communicate with all Inmarsat spacecraft that are approved from time to time to serve the United States. Significantly, this ministerial change in specifying authorized points of communication in L-band user terminal licenses is consistent with existing rules and policies, and would not alter in any respect the manner in which Inmarsat spacecraft are authorized to serve the United States.

<sup>6</sup> *DISCO II Reconsideration Order* ¶ 16; *see also Amendment to the Commission’s Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems*, Report and Order, 11 FCC Rcd 2429 ¶¶ 51-55 (1996) (expanding the ALSAT designation to include all U.S.-licensed satellites providing fixed satellite service, whether such service is domestic or international).

<sup>7</sup> *See Public Notice, “International Bureau Satellite Engineering Branch Information: Revisions to Earth station Licenses Authorized to Access INTELSAT”*, Report No. SPB-172 (rel. July 20, 2001) (modifying specified earth station licenses to provide domestic service using INTELSAT satellites without requiring that the earth station licensees file license modification requests).

Respectfully submitted,

/s/

Diane J. Cornell  
Vice President, Government Affairs  
INMARSAT, INC.  
1101 Connecticut Avenue, NW  
Suite 1200  
Washington, DC 20036

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